

In the Matter of
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of
Administration of the North
American Numbering Plan

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CC Docket No. 92-237

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COMMENTS

BellSouth Telecommunications, Inc. ("BellSouth") hereby files Comments in response to the Public Notice released in this proceeding on April 30, 1996.¹

INTRODUCTION

In its Public Notice, the Commission lists several significant events with respect to carrier identification codes ("CIC") that have occurred since the pleading cycle in this docket was closed on June 30, 1994:

- (1) the assignment of exclusively four-digit Feature Group D ("FGD") CIC has begun, and the permissive dialing period officially started on April 1, 1995;
- (2) the industry has suggested new uses for CIC which could result in an unexpected increase in the demand for CIC, and
- (3) as a result of the Telecommunications Act of 1996,² an increase in demand for CIC is expected to occur.

¹ Further Comments Carrier Identification Codes, CC Docket No. 92-237, Public Notice DA 96-678, Apr. 30, 1996 ("Public Notice").

² Pub. L. 104-104, 110 Stat. 56 (1996) to be codified at 47 U.S.C. §§ et seq. (hereinafter the "1996 Act").

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In its original Notice of Proposed Rulemaking, the Commission tentatively concluded that the transition, or permissive dialing, period for the expansion of FGD CIC from three to four digits should be six years.³ The Commission now seeks further comment on this conclusion. BellSouth first addresses the issues associated with the length of the permissive dialing period, demonstrates that industry fora are the appropriate bodies to determine uses of CIC, and, finally, provides information that supports the immediate lifting of the CIC Conservation order.⁴

I. THE PERMISSIVE DIALING PERIOD SHOULD END NO LATER THAN DECEMBER 31, 1997.

The six year permissive period tentatively set by the FCC was based primarily on providing adequate time for all network providers and private branch exchange ("PBX") owners to put software in place to accommodate the expansion from three- to four-digit CIC. Telephone switch software will only accommodate coexistence of three-digit and four-digit CIC as long as four-digit FGD CIC remain in the 5000 and 6000 ranges. BellSouth's network can accommodate mandatory four-digit expansion by year end 1996. However, BellSouth recognizes that smaller network providers and PBX owners may need additional time to put software in place. Therefore, BellSouth recommends that the permissive period extend no later than the end of 1997. This date would mean that the permissive period will have lasted a total of 2 75 years or 33 months. Although less than

³ Administration of the North American Numbering Plan, Notice of Proposed Rulemaking, CC Docket No. 92-237, 9 FCC Rcd 2068, 2077, ¶ 54 (1994).

⁴ The CIC Conservation Order is contained in Carrier Identification Code Assignment Guidelines, INC 92-0127-006, (formerly ICCF 92-076-002), Apr. 19, 1996 (hereinafter "CIC Guidelines")

half the period initially proposed by the Commission, this period should provide adequate time for all network providers and PBX owners to put the appropriate software in place. Also, the expansion to four-digit CIC was announced and planned for well in advance of the start of the permissive period, so the industry will, as a practical matter, have had over three years to implement the expansion.

Through April, 1996, approximately 1,270 FGD CIC (three-digit codes plus four-digit codes in the 5000 and 6000 series) have been assigned. Approximately 320 of these CIC are four-digit codes, leaving about 1680 codes in the 5000 and 6000 range (and about 40 remaining three-digit CIC) available for assignment. This equates to 84 four-digit FGD CIC available for monthly assignment over the 20 month period starting in May, 1996 and ending at year-end 1997. BellSouth believes this is sufficient time to accomplish the necessary switch upgrades for expansion of FGD CIC beyond the 5,000 - 6,000 range. Any additional extension of the permissive period places an unnecessary burden on the industry by not having the remaining 7,000 four-digit CIC available for assignment.

Congress has required dialing parity for all local exchange carriers ("LEC") in the 1996 Act.⁵ As long as the permissive dialing remains in effect and three-digit CIC are allowed, true dialing parity will not exist between FGD access customers who have been assigned three-digit and four-digit CIC. Thus, the FCC must balance the length of the permissive period and dialing parity requirements as required by the Act.

⁵ 1996 Act § 251(b)(3).

II. INDUSTRY FORA ARE THE APPROPRIATE BODIES TO DETERMINE HOW CIC SHOULD BE USED.

In its Public Notice, the Commission states there has been an unexpected increase in the demand for CIC due to new uses.⁶ Industry fora such as the Industry Numbering Council (“INC”) are cognizant of the impact that additional and expanded uses of CIC would have on the CIC assignment rate. Therefore, the INC and other appropriate industry fora are cautious when making CIC available for new uses that would increase the demand for CIC and possibly accelerate the exhaust of available codes. BellSouth believes that the industry fora have been very successful in reaching consensus on many significant and complex numbering issues, including issues involving CIC. Industry fora are the appropriate place to determine whether CIC should be assigned for new uses. BellSouth believes uses for CIC will be limited by the industry which will ensure that there is no significant increase in the demand for CIC based on proposed new uses of the codes.

III. THE CURRENT SUPPLY OF CIC IS SUFFICIENT TO SUPPORT LIFTING OF THE FCC’S CONSERVATION ORDER.

The FCC’s Conservation Order remains in effect even though there is an urgent need for additional CIC assignment(s) from entities which have already been assigned CIC but which have not been assigned their full allotment of six FGD CIC allowed by the CIC Guidelines.⁷ The Commission has noted its concerns relative to the conservation of CIC and the need to ensure the supply of CIC is not depleted. BellSouth shares these concerns

⁶ supra, n. 1.

⁷ supra, n. 4.

and supports the efficient and responsible assignment of CIC for legitimate business purposes. However, as long as the current conservation order remains in effect, an entity with an existing CIC assignment is unable to obtain an additional CIC for a legitimate business use (e.g., FGD access), even though that entity has not been assigned its maximum allotment of six FGD CIC. In addition, new entrants are limited to only one CIC. There must be a balance between the FCC's CIC conservation objective and the assignment of CIC for legitimate business needs that are consistent with industry guidelines and the 1996 Act.⁸ The Commission's conservation order was issued in March 1995 when there was an extraordinary use of CIC. However, the cause of that extraordinary CIC usage has now ceased.⁹ Further, the CIC Assignment guidelines limit the number of CIC an entity can receive to six.¹⁰ This limit was established by the INC as a reasonable number of CIC to be assigned to an entity and as a means to prevent entities from making extraordinary demands on the pool of assignable CIC. The following information demonstrates that there should be an adequate supply of CIC in the 5000 and 6000 range even if the Commission lifts its conservation order in association with a December 31, 1992 end of permissive dialing.

The current monthly assignment rate (an average over the last six months ending in April 1996) of FGD CIC is 16 codes per month. This assignment rate will certainly increase if the FCC's conservation order is lifted. An initial surge in assignments would be

⁸ *Id.*, 1996 Act, § 251 (b)(3).

⁹ Letter from Ronald R. Conners, Director, NANP Administration, to Kathleen M. H. Wallman, Chief, Common Carrier Bureau (Oct. 2, 1995) (stating that the "tariffs that caused the extraordinary CIC demands in March are currently not in effect").

¹⁰ CIC Guidelines at 10.

expected due to pent-up demand and the demand from new carriers entering the market as a result of the 1996 Act. As indicated in Section I above, however, establishment of December 31, 1997 as the end of the permissive period will allow 84 four-digit CIC per month to be available for assignment starting in May, 1996. This represents more than a five-fold increase over the current monthly assignment rate of 16 codes per month.

Assuming that the earliest the FCC could lift its CIC Conservation Order would be the end of June, 1996, and that the current monthly assignment rate of 16 CIC would continue in May and June, the assignment allotment of FGD CIC would increase to 92 CIC per month until the end of 1997. This represents more than twice the maximum number of FGD CIC assigned in any one month over the history of CIC assignments. Even if a block of 200 four-digit CIC were reserved as a contingency pool, there would be codes available to assign 80 codes per month (or a five-fold increase over the current monthly rate) over the 18 month period until the end of 1997. BellSouth believes this monthly assignment rate would be adequate to handle both the pent-up demand from the FCC's conservation order and any increased demand for CIC based on the current CIC Guidelines. It should also be recognized that the industry can develop and recommend conservation procedures if it becomes necessary to do so to ensure that the 5000 and 6000 series FGD CIC last until the permissive period is over. If the monthly FGD CIC assignment rate exceeds a specified amount, (for example, the 84 codes per month mentioned in Section I above) for two or three consecutive months, then future assignments could be limited to the monthly specified amount. There are several other conservation procedures that could be used, if necessary, to ensure that the 5000 and 6000 series CIC last until the December 31, 1997

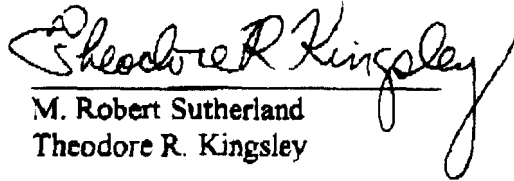
date for the end of the permissive period. BellSouth believes that it will be unnecessary to institute conservation procedures with an allotment of 84 FGD CIC assignments per month.

CONCLUSION

BellSouth recommends that the FCC lift the CIC Conservation Order and establish December 31, 1997 as the end of the permissive period. The FCC should let the industry and the North American Numbering Plan Administrator monitor the usage of CIC and recommend conservation procedures to the FCC if it becomes necessary to do so.

Respectfully submitted,

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